IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 26455 of 2007(Y)

PETITIONER:

RIJIL.S.JAYACHANDRAN, AGED 19 YEARS,
S/O.M.K.JAYACHANDRAN AND P.SREEMATHY
SREEVALSAM HOUSE, MYLADY ROAD,
VALLIPARAMBA P.O., KOZHIKODE - 673 008.

BY ADV. SRI.C.A.SADASIVAN
SRI.S.ABU BAKER KUNJU
SRI.JOY.P.JOSE
SRI.P.BALAKRISHNAN
SRI.RAMAN JANARDHANAN

RESPONDENTS:

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1. THE CHIEF SECRETARY, GOVT. OF KERALA,
THIRUVANANTHAPURAM - 1.

2. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY, SC/ST DEVELOPMENT
DEPT.SECRETARIATE, THIRUVANANTHAPURAM-1.

3. COMMISSIONER OF ENTRANCE EXAMINATIONS
HOUSING BOARD BUILDING, 5TH FLOOR,
SANTHI NAGAR, THIRUVANANTHAPURAM - 1.

4. DIRECTOR, KIRTHADS
KOZHIKODE-17.

5. UNION OF INDIA, REPRESENTED BY THE
SECRETARY,
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
NEW DELHI - 1.

BY GOVT. PLEADER SRI. I.V.PRAMOD
ADV. SMT.D.P.RENU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 26455 OF 2007

Dated this the 18th day of September, 2007

J U D G M E N T

Petitioner seeks admission to Professional Degree in the quota ear marked for SC/ST categories of applicants. Petitioner is born out of an inter caste marriage and is now claiming for reservation in terms of the provisions contained in the prospectus. He has also claimed the benefit of Exts.P9 and P10 Government Orders. On behalf of the respondents, a statement has been filed contending that in the application filed by the petitioner, he did not produce community certificates, as specified in the application form itself. According to the respondents, in the absence of a community certificate, which is a mandatory requirement, petitioner is not entitled to any relief in the writ petition.

2. I have considered the submission made by both sides. Clause 5.4.3 provides that reservation to SC/ST category of applicants who claim reservation to the seats ear marked for SC/ST categories should produce the community certificate as specified in the application form itself. It is also stated that those children who are born out of the inter caste marriage and claiming SC/ST statutes, the eligibility of such claimants will be determined by the Government in terms of the Govt. Orders dated 22.3.05 and 20.6.05 and also in the light of the Full Bench judgment dated 10.8.05

in W.P.C. No. 2483/05 and other judgments. It is also specified that certificate from the Tahsildar should be obtained in the application itself. From these provisions of the prospectus it is obvious that the SC/ST applicants should produce community certificate in the application form itself. It is also clear that such certificate will be subject to exemption by the Government in the light of the aforesaid Govt. orders and Full Bench judgment. However, in this case, the petitioner apparently has not produced the community certificate, which is evident from Ext.R3(a) application form submitted by the Panchayat. It is contended on behalf of the petitioner that the requirement of production of community certificate as per Clause 5.4.3 of the prospectus is not for applicants who are born out of inter caste marriage.

3. I am not able to agree with the contention raised by learned counsel for the petitioner. In my view all applicants who claim reservation should produce community certificate as specified in Clause 5.4.3. Therefore the application filed by the petitioner is defective and if that be so, the petitioner failed to claim reservation in the SC/ST quota.

With these reasons, I do not find any merit in the writ petition and it is accordingly dismissed.

ANTONY DOMINIC, JUDGE

vps

K.R. UDAYABHANU, JUDGE

CRL.A. NOS.721/99 & 213/02

JUDGMENT

13TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.